

**THE EFFECTIVE DATE OF THIS ORDINANCE IS \_\_\_\_\_**

**ORDINANCE NO. \_\_\_\_\_**

**RE: Repeal and Reenactment of Frederick County Code to Provide for an Integrated Fire and Rescue Service and Provide Authority to the Director of the Division of Fire and Rescue Services**

The Board of County Commissioners (the “Board”) recognizes that the Board has been granted authority by the General Assembly of Maryland to regulate all fire and rescue services in Frederick County in cooperation with the Frederick County Volunteer Fire and Rescue Association, Inc., as set forth in Frederick County Code Section 2-8-6(b)(2).

By this Ordinance, the Board intends to: (1) implement an integrated fire and rescue service, including volunteer and county-employed personnel; (2) appoint and delineate the duties and responsibilities of the Chief of Fire and Rescue Services; (3) delineate the authority and duties of the operational officers of the individual volunteer companies; (4) recognize the authority of the individual volunteer companies over their internal affairs; and (5) create and authorize a Fire and Rescue Advisory Council to provide advice and input to the Chief of Fire and Rescue Services.

Fire and rescue service in Frederick County is currently provided by twenty-six (26) volunteer fire, rescue or fire and rescue companies (“Company” or “Companies”), supplemented and assisted by career personnel employed by the Board in the Frederick County Division of Fire and Rescue Services (“DFRS”).

Each Company is a separate legal entity, created under the provisions of Md. Code Ann., Corporations and Associations Article. The Board recognizes the inherent right to

self-governance possessed by each Company under Md. Ann. Code, Corporations and Associations Article.

The Board recognizes that, historically, the Companies have provided fire and rescue services in Frederick County in a long-standing tradition of volunteer service to the community and citizenry of the County. The Board recognizes and thanks the Companies and their members for their time-honored record of volunteer service to Frederick County.

In recent times, due to changing demographics and other factors, a number of Companies have found it necessary to request assistance from the Board to enable the Companies to continue providing the level of service to the citizens which has been the hallmark of the Companies. This partnership between the Companies and the Board has enabled the Companies, with assistance from the Board, to continue the long-standing tradition of volunteer service by the Companies.

Continuing changes in demographics and fluctuations in the number of residents able and willing to volunteer have resulted in the gradual, but ever-increasing, level of involvement of Board resources necessary to enable the Companies in continuing to provide effective and efficient fire and rescue services to the citizens of Frederick County.

As a result of the increasing population of Frederick County, and other factors, the Board recognizes that it has become advisable to adopt an integrated service model for the fire and rescue services provided to the citizens of Frederick County. Under this integrated service model, both Company and career personnel will provide fire and rescue services to citizens of Frederick County in accordance with adopted standards,

policies and procedures for the seamless, countywide provision of fire and rescue services.

The Board finds and determines that such an integrated service model will enhance the health, safety and general welfare of the citizens of Frederick County by providing more efficient and cost effective fire and rescue services by the Companies and DFRS personnel.

By adopting the integrated service model for the provision of fire and rescue services, the Board intends that each Company retain its inherent right to self-governance, and may regulate the internal affairs of the Company in accordance with the corporate charter and by-laws, so long as the regulation of the Company's internal affairs do not conflict with Countywide regulation or procedure concerning the integrated provision of fire and rescue services to the citizens of the County.

In order to provide for the orderly creation and implementation of an integrated system for the provision of fire and rescue services to the citizens of Frederick County, the Board has determined that it is in the best interests of the citizens of the County, and in the interests of the public health, safety and welfare of the citizens of the County, to establish and delegate to a Chief of Fire and Rescue Services authority over the integrated operations and administration of the provisions of fire and rescue services in the County.

The Board also deems it advisable to create a Fire and Rescue Advisory Council. This Council will advise and provide input to the Chief of Fire and Rescue Services on behalf of the volunteer corporations, the Frederick County Volunteer Fire and Rescue Association, Inc., the Frederick County Career Firefighters and Paramedics Association, and the general public.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that the Board does hereby declare and decree that the authority of the Board to oversee, direct, supervise and administer all fire and rescue services in Frederick County be, and is hereby, delegated to the Director of the Frederick County Division of Fire and Rescue Services.

AND BE IT FURTHER ENACTED AND ORDAINED that the Director of the Frederick County Division of Fire and Rescue Services be, and is hereby, authorized as Chief of Fire and Rescue Services to make all determinations and decisions necessary to implement, establish and direct the implementation of an integrated fire and rescue services system for the provision of all fire and rescue services in Frederick County.

AND BE IT FURTHER ENACTED AND ORDAINED that Frederick County Code Sections 1-2-60 through 1-2-63 are repealed and reenacted as Frederick County Code Sections 1-2-60 through 1-2-69 as more fully shown on the attached Exhibit A.

AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect on \_\_\_\_\_, 2012.

The undersigned hereby certifies that this Ordinance was approved and adopted on the \_\_\_\_ day of \_\_\_\_\_, 2012.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF FREDERICK COUNTY, MARYLAND

\_\_\_\_\_  
Lori L. Depies, CPA  
County Manager

\_\_\_\_\_  
Blaine R. Young, President

## EXHIBIT A

### ARTICLE IV: FIRE AND RESCUE SERVICES

#### **§ 1-2-60. ROLE, RESPONSIBILITIES AND RIGHTS OF A VOLUNTEER FIRE, RESCUE OR AMBULANCE CORPORATION**

A. A volunteer fire, rescue or ambulance company authorized by the Board of County Commissioners under § 2-8-1 that operates as a component of the Frederick County Fire and Rescue system shall maintain its corporate and operational status in accordance with the requirements of Chapter 2-8, § 2-8-1 and § 2-8-2 of the Code of Frederick County, Maryland, as amended.

B. A volunteer fire, rescue or ambulance company shall:

1. Provide emergency and non-emergency services within its designated primary service area.
2. Respond in support of neighboring communities, Frederick County as a whole and jurisdictions with which a reciprocal mutual response agreement exists with Frederick County, Maryland.

C. A volunteer fire, rescue or ambulance company shall operate in compliance with fire-rescue policies, procedures, rules and regulations that apply system-wide.

D. A volunteer fire, rescue or ambulance company established by the Board of County Commissioners shall:

1. Manage its corporate administrative affairs.
2. Be governed internally by duly elected or appointed officers.
3. Have the right to raise and expend monies in accordance with applicable laws, regulations and company policies that govern such activities.
4. Manage the company's internal budget.
5. Control the expenditure of volunteer company funds
6. Control the expenditure of county provided funding in accordance with established county policies.
7. Have the right to own real property, fixed and mobile equipment.
8. Manage its volunteer members.

E. A volunteer fire, rescue or ambulance company Chief that is operationally authorized under the integrated chain of command shall have primary responsibility and commensurate authority to manage the day-to-day operations of the company in accordance with county policies, procedures, rules and regulations, as well as station level policies and procedures specific to the individual company, provided such station level policies and procedures are not in conflict with applicable county policy and procedures.

#### **§ 1-2-61. DIVISION OF FIRE AND RESCUE SERVICES ESTABLISHED**

A. 1. There is hereby established a division of the county government which shall be known as the "Division of Fire and Rescue Services."

2. This division shall consist of both career and volunteer members and shall be responsible for the full scope of fire prevention, fire suppression, hazardous materials, emergency medical services and other related public safety functions provided to Frederick County and its municipalities.

B. The individual volunteer fire and rescue organizations which are authorized to operate within the county under Chapter 2-8, Section 2-8-1, shall operate as organizational components of the Division of Fire and Rescue Services.

#### **§ 1-2-62. CHIEF OF FIRE AND RESCUE SERVICES.**

A. There shall be the position of Chief of Fire and Rescue Services, who shall serve as Chief of the Frederick County fire and rescue system.

B. The Chief of Fire and Rescue Services shall be appointed by the Board of County Commissioners and shall have overall responsibility and full authority for all operations and administration of the division and its career and volunteer organizational units.

C. The authority of the Chief of Fire and Rescue Services shall not be asserted in a manner that is in conflict with the administrative affairs of the volunteer fire, rescue or ambulance corporations, as outlined in § 1-2-60, D. of the Frederick County Code.

D. The Chief of Fire and Rescue Services shall perform the duties and carry out the responsibilities set forth in the established position description, as authorized by the Board of County Commissioners as may be amended.

E. The Chief of Fire and Rescue Services shall be directly responsible to the County Manager and serve at the pleasure of the Board of County Commissioners.

F. The Chief of Fire and Rescue Services shall work in conjunction with the Fire and Rescue Advisory Council established in Article IV, § 1-2-63, of the Code of Ordinances of Frederick County, Maryland, as amended, to seek input and advice from fire and rescue system stakeholders.

G. The Chief of Fire and Rescue Services shall be responsible to enforce the rules, regulations, policies and procedures of the Frederick County Division of Fire and Rescue Services and its organizational components.

H. The Chief of Fire and Rescue Services may be empowered by the Board of County Commissioners to carry out any responsibility of the Board of County Commissioners as provided in Article IV of the Code of Ordinances of Frederick County, Maryland, as amended or Part II, Chapter 2-8 of the Code of Public Laws of Frederick County, Maryland 1979, as amended.

#### **§ 1-2-63. FIRE AND RESCUE ADVISORY COUNCIL**

A. To ensure that fire and rescue system stakeholders have a voice in the management of fire and rescue services, a Fire and Rescue Advisory Council is established.

B. The Fire and Rescue Advisory Council consists of volunteer, career and citizen representatives who shall be appointed by the Board of County

Commissioners to serve in an advisory capacity to the Chief of Fire and Rescue Services, the liaison to the Board of County Commissioners and the Jurisdictional Medical Director for Frederick County, Maryland.

- C. The role, responsibilities, composition, appointed terms and administration of the Fire and Rescue Advisory Council shall be in accordance with the Fire and Rescue Advisory Council charter and by-laws adopted by the Board of County Commissioners.

#### **§ 1-2-64. FIRE AND RESCUE CHAIN OF COMMAND.**

A. There shall be one integrated chain of command for career and volunteer personnel of the Division of Fire and Rescue Services and the volunteer fire, rescue and ambulance companies.

B. A volunteer and career officer shall derive operational authority from the Board of County Commissioners, through the Chief of Fire and Rescue Services.

C. Volunteer personnel shall meet the minimum qualifications referred to in Section 1-2-65, to be operationally certified at the appropriate rank.

D. An operationally authorized officer has the authority commensurate with the officer's position and shall be afforded appropriate respect at all times by career and volunteer personnel of subordinate rank.

E. The authority of officers shall be in accordance with county ordinance, division policies and standard operating procedures.

#### **§ 1-2-65. QUALIFICATIONS OF OFFICERS.**

- A. Qualifications for operational certification at each rank for career and volunteer personnel shall be in accordance with policies as established by the Chief of Fire and Rescue Services, in consultation with the Fire and Rescue Advisory Council.

- B. Volunteer officers with administrative authority internal to the volunteer fire-rescue corporation may be elected / appointed by a volunteer fire, rescue or ambulance corporation.
- C. The operational authority of such volunteer administrative officers shall be commensurate with their level of operational certification under established officer qualifications.

**§ 1-2-66. MINIMUM RESPONSE CRITERIA – FIRE OR RESCUE SERVICES.**

A. A fire or rescue service must meet the following minimum response criteria: the fire or rescue service must respond within 8 minutes from time of first dispatch for an emergency incident for at least 90% of the dispatches received during each calendar month.

B. The Board of County Commissioners may consider the minimum response criteria separately for weekdays, weeknights, and weekends. The failure of a fire or rescue service to achieve the minimum response criteria established in subsection (A) above during any one of the separate time periods (weekdays, weeknights, or weekends) shall constitute a failure to meet these minimum response criteria.

C. The Board of County Commissioners shall establish procedures to handle a failure to achieve minimum response criteria. Notwithstanding the establishment of these procedures, the Board may establish a special taxing district pursuant to § 2-8-6 of the Frederick County Code for any failure to meet the minimum response criteria established in subsections (A) and (B).

**§ 1-2-67. FIRE, RESCUE, AMBULANCE OR FIRST RESPONDER COMPANY MINIMUM STANDARDS.**

A. As minimum standards, each fire, rescue, ambulance or first responder company shall:

1. Maintain an active company membership of a sufficient number of operational volunteer members necessary to meet the minimum response criteria pursuant to § 1-2-66, including at least 3 active operational line officers who meet the established operational officer standards;

2. Maintain an adequate means of receiving an alarm and alerting the company membership;
3. Complete and file incident reports and maintain records of each response in the manner required by the Chief of Fire and Rescue Services;
4. Comply at all times with the applicable minimum standards contained in subsections (B), (C), (D) and (E) for the service being offered.

B. As minimum standards to conduct fire operations, each fire company shall at all times have:

1. Five active operational operators trained to drive the pumper and who are thoroughly familiar with the operation of the pumper;
2. Ten active operational members who:
  - a. Live in the first due area or within 5 miles of the company fire station required in subsection (B) (3); and
  - b. Have successfully completed required firefighter certification training as conducted by the Maryland Fire and Rescue Institute (MFRI), Frederick County or its equivalent;
3. A heated fire station of adequate size and construction for the housing of the apparatus and equipment required to meet the standards; and
4. A motor pumper which is:
  - a. In good operating condition;
  - b. Of at least 1,000-gallon-per-minute capacity;
  - c. Listed by the Maryland Rating Bureau;
  - d. Registered as an emergency vehicle with the Maryland Motor Vehicle Administration; and
  - e. Annually inspected and certified by the Fire and Rescue Standards Committee as meeting the current minimum equipment standards and pump test.

C. As minimum standards to conduct rescue or truck company operations, each rescue or truck company shall at all times have:

1. Ten active operational members who:
  - a. Live in the first due area, or within 5 miles, of the company station required in subsection (C) (2); and
  - b. Have successfully completed the course in rescue or truck operations as offered by MFRI, Frederick County or its equivalent;
2. A heated station of adequate size and construction for the housing of the apparatus and equipment required to meet the standards;
3. A motorized piece of apparatus of minimum one-and-one-half-ton capacity;
4. An annual inspection by the Standards Committee or the Emergency Medical Services (EMS) Committee of the association certifying that the rescue or truck company and all of its required equipment meet all current minimum equipment standards and pump tests.

D. As minimum standards to conduct ambulance operations, each ambulance company shall at all times have:

1. Ten active operational members who:
  - a. Live in the first due area or within 5 miles of the company ambulance station required in subsection (D) (2); and
  - b. Have successfully completed the basic emergency medical technician course as certified by the Maryland Institute of Emergency Medical Services;
2. A heated ambulance station of adequate size and construction for the housing of the apparatus required to meet the standards;
3. An ambulance which is:
  - a. In good working condition; and
  - b. Adequately equipped with medical equipment and supplies; and
4. An annual inspection by the EMS Committee certifying that the ambulance company and all of its required equipment meet the current minimum equipment and supplies standard.

E. As minimum standards to operate a first responder special unit, each first responder special unit shall at all times have:

1. Ten trained first responder personnel who are active members of the company and living in the first due area or within 5 miles of the company first responder station required in subsection (E) (2);
2. A heated station of adequate size and construction for the housing of the apparatus and equipment required to meet the standards;
3. An annual inspection by the EMS Committee of the association that the unit and all of its required equipment meet the current minimum equipment and supplies standards.

**§ 1-2-68. FAILURE TO COMPLY WITH MINIMUM STANDARDS.**

A. Any fire, rescue, ambulance or first responder company failing to meet the minimum standards established in § 1-2-66 and/or 1-2-67 shall suspend operations immediately after notification that a majority of the Board of County Commissioners has directed the cessation of operations.

B. Upon written request by a company suspended under subsection (A), the Board of County Commissioners shall promptly hold a hearing on the suspension. At the hearing, the company shall have the burden of establishing compliance with all of the minimum standards established in § 1-2-66 and/or 1-2-67.

C. If a fire, rescue, ambulance or first responder company fails to meet the minimum standards established in § 1-2-66 and/or 1-2-67, the Board of County Commissioners may suspend or terminate the company and immediately reassign the company's service area.

D. The Board of County Commissioners may reinstate any suspended company upon proof satisfactory to the Board of County Commissioners that the company fully complies with all of the minimum standards established in § 1-2-66 and/or 1-2-67.

E. Notification required under this section may be made in any manner reasonably calculated to give notice to the company. Delivery of the notice to the company station is sufficient notice under this section.

F. The Board of County Commissioners may require inspections to ensure compliance with these minimum standards at any reasonable time. Nothing shall be interpreted as preventing the Board of County Commissioners from requiring a fire, rescue, ambulance or first responder company to successfully complete additional inspections at any reasonable time even though the company has been previously certified as meeting standards in an annual inspection.

G. The Chief of Fire and Rescue Services, upon the recommendation of the Standards Committee or the EMS Committee, may place any piece of equipment out of service for failure to meet the current standards. The Chief shall, by the next work day, provide written notification to the Board of County Commissioners of any such actions to place equipment out of service. Once the piece of equipment meets the current standard, the Chief shall return the piece of equipment to service. The Chief shall, within 1 working day, notify the Board of County Commissioners of the return of the equipment to service.

#### **§ 1-2-69. DEFINITIONS.**

The following words have the meaning indicated.

***ACTIVE MEMBER.*** A person who has qualified as active within the past 5 years under the guidelines of the Length of Service Awards Program (LOSAP).

***ASSOCIATION.*** The Frederick County Volunteer Fire and Rescue Association, Inc.